



NATIONAL CABLE TELEVISION ASSOCIATION

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DANIEL L. BRENNER

SENIOR VICE PRESIDENT FOR LAW &
REGULATORY POLICY

February 20, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Ms. Magalie R. Salas
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, D.C. 20554


Re: CS Docket No. 98-120

Dear Ms. Salas:

Enclosed for filing in the above-captioned docket is a copy of a letter sent today to Cable Services Bureau Chief Deborah Lathen regarding the Further Notice of Proposed Rulemaking on digital must carry.

If you have any questions about this matter, please contact the undersigned.

Respectfully submitted,



Daniel L. Brenner

DLB:smp

Enclosure

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**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY**

Ms. Deborah Lathen
Chief, Cable Services Bureau
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Re: **Carriage of Digital Television Broadcast Signals**
CS Docket No. 98-120

Dear Chief Lathen:

We are pleased that the Commission has resolved a number of issues regarding the transition to digital television. In the recently-released *First Report and Order and Further Notice of Proposed Rulemaking*¹ the FCC took significant steps to assist the digital transition. In particular, the questions you ask in the *Further Notice* should bring some clarity to the future of DTV. Your request for information regarding: the need for cable carriage of both analog and digital signals for a successful transition; cable channel system capacity; digital retransmission consent agreements; and the amount of original digital programming being broadcast will help determine answers to some of the questions left open in the *First Report and Order*.

In addition to the questions you asked about cable channel capacity in the *Further Notice*, the Commission is separately surveying selected cable operators concerning retransmission consent as well as cable system channel capacity. *Further Notice* at ¶116. However, rather than focusing on the 170-plus broadcasters who have begun transmitting a digital signal and asking them specific questions about their plans for providing digital services, the *Further Notice* asks only broad questions, addressed to "broadcasters" in general. These questions seek information on:

- (1) "what part of their planned digital program streams will be devoted to simulcast of their analog programming and what parts are, or will be used, for other programming,"
- (2) "the exact amount of digital programming, on a weekly basis, being aired in high definition format and the exact amount of original digital programming"; and

¹ In the Matter of: Carriage of Digital Television Broadcast Signals, *First Report and Order and Further Notice of Proposed Rulemaking*, CS Docket No. 98-120, FCC 01-22, released January 23, 2001.

(3) "the number of hours, in an average day, that a broadcaster currently airs digital television, and specifically high definition programming."

As you have done with your survey of cable operators, we ask that the agency conduct a similar survey of the 170 or more broadcasters who have begun transmitting in digital. Addressing these questions to specific broadcasters who have begun transmitting in digital will produce a record on how the broadcast industry is utilizing its allocation of additional broadcast spectrum. In addition to the above questions, it would be useful to know in such a survey:

(4) the exact percentage of original HDTV (as opposed to upconverted standard definition TV) programming a particular broadcaster is transmitting on a daily and weekly basis;

(5) what other business plans broadcasters might have for that spectrum;

(6) plans to distribute data or provide other non-programming services using that spectrum; and

(7) the exact percentage of time devoted to such data-casting or other non-broadcast services.

We appreciate your consideration of this survey request.

Sincerely,



Daniel L. Brenner

DLB:smp

cc: The Honorable Michael K. Powell, Chairman
The Honorable Harold Furchtgott-Roth, Commissioner
The Honorable Susan Ness, Commissioner
The Honorable Gloria Tristani, Commissioner
Susan Eid, Esq., Legal Advisor to Chairman Powell
Ben Golant, Esq., Legal Advisor to Commissioner Furchtgott-Roth
David Goodfriend, Esq., Legal Advisor to Commissioner Ness
William Friedman, Esq., Legal Advisor to Commissioner Tristani
Roy Stewart, Chief, Mass Media Bureau
Magalie Salas, Secretary (for inclusion in CS Docket No. 98-120)
Jack Goodman, National Association of Broadcasters